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21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**
23 **SAN FRANCISCO DIVISION**

24 **IN RE GOOGLE PLAY ANTITRUST**
25 **LITIGATION**

26 THIS DOCUMENT RELATES TO:

27 *In Re Google Play Consumer Antitrust*
28 *Litigation*, Case No. 3:20-CV-05761-JD

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13 *Google Play Developer Antitrust Litigation; Epic*
14 *Games, Inc. in Epic Games, Inc. v. Google LLC;*
15 *State of Utah et al. v. Google LLC et al.*

16 Case No. 3:21-md-02981-JD

17 **DECLARATION OF JUSTIN P. RAPHAEL IN**
18 **SUPPORT OF DEFENDANTS' MOTION TO**
19 **EXCLUDE THE TESTIMONY OF DR. HAL J.**
20 **SINGER ON CLASS CERTIFICATION**

21 Date: August 4, 2022
22 Time: 10:00 a.m.
23 Judge: Hon. James Donato
24 Courtroom: 11, 19th Floor, 450 Golden Gate Ave,
25 San Francisco, California 94102
26 Case No. 3:21-md-02981-JD

DECLARATION OF JUSTIN P. RAPHAEL

I, Justin P. Raphael, declare as follows:

3 1. I am admitted to practice before all of the courts of the State of California and this
4 Court. I am a partner in the law firm of Munger, Tolles & Olson LLP, counsel for Defendants in
5 the above-captioned matter. I submit this declaration in support of Defendants' Motion to Exclude
6 the Testimony of Dr. Hal J. Singer on Class Certification. The contents of this declaration are
7 based on my personal knowledge. If called as a witness, I could and would testify competently to
8 the matters set forth in this declaration.

9 2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from the
10 transcript of the deposition of Hal Singer, Ph.D. taken in this matter on May 12, 2022.

11 3. Attached hereto as **Exhibit 2** is a true and correct copy of the Class Certification
12 Report of Hal J. Singer, Ph.D., dated February 28, 2022, marked as Defendants' deposition exhibit
13 333 at the deposition of Dr. Singer.

14 4. Attached hereto as **Exhibit 3** is a true and correct copy of the Expert Report of Dr.
15 Michelle M. Burtis, dated March 31, 2022, marked as Defendants' deposition exhibit 338 at the
16 deposition of Dr. Singer.

17 5. Attached hereto as **Exhibit 4** is a true and correct copy of the Class Certification
18 Reply Report of Hal J. Singer, Ph.D., dated April 25, 2022, marked as Defendants' deposition
19 exhibit 334 at the deposition of Dr. Singer.

20 6. Attached hereto as **Exhibit 5** is a true and correct copy of Avi Goldfarb &
21 Catherine Tucker, *Digital Economics*, 57 J. Econ. Lit. 3, 12 (2019), marked as Defendants'
22 deposition exhibit 335 at the deposition of Dr. Singer.

23 7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the
24 transcript of the deposition of Michael Alan Williams, Ph.D. taken in this matter on May 11, 2022.

25 8. Attached hereto as **Exhibit 7** is a true and correct copy of Scalisco LLC d/b/a
26 Rescue Pets' Supplemental Objections and Responses to Defendants' Second Set of
27 Interrogatories to Developer Class Plaintiffs, Interrog. No. 18, dated May 13, 2022.

28 9. Attached hereto as **Exhibit 8** is a true and correct copy of LittleHoots, LLC's

1 Supplemental Objections and Responses to Defendants' Second Set of Interrogatories to
2 Developer Class Plaintiffs, Interrog. No. 18, dated May 13, 2022.

3 10. Attached hereto as **Exhibit 9** is a true and correct copy of Pure Sweat Basketball,
4 Inc.'s Supplemental Objections and Responses to Defendants' Second Set of Interrogatories to
5 Developer Class Plaintiffs, Interrog. No. 18, dated May 9, 2022.

6 11. Attached hereto as **Exhibit 10** is a true and correct copy of Nathan Miller, Marc
7 Remer & Gloria Sheu, *Using Cost Pass-Through to Calibrate Demand*, 118 Econ. Ltrs. 452
8 (2013), marked as Defendants' deposition exhibit 336 at the deposition of Dr. Singer.

10 I declare under penalty of perjury under the laws of the United States that the foregoing
11 is true and correct. Executed at San Francisco, California on this 26th day of May, 2022.

/s/ Justin P. Raphael
Justin P. Raphael

*Counsel for Defendants Google LLC et al. in
In re Google Play Consumer Antitrust
Litigation; In re Google Play Developer
Antitrust Litigation; Epic Games, Inc. in Epic
Games, Inc. v. Google LLC; State of Utah et
al. v. Google LLC et al.*